

The Honorable Ricardo S. Martinez

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;
IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD F. WOLF, in his
official capacity as Acting Secretary of the
U.S. Department of Homeland Security;
and MATTHEW ALBENCE, in his official
capacity as Acting Director of U.S.
Customs and Immigration Enforcement,

Defendants.

NO. 2:20-cv-01070-RSM

JOINT STIPULATION OF DISMISSAL
WITHOUT PREJUDICE

Plaintiff State of Washington and Defendants in the above-captioned case, by and through their attorneys of record, having conferred, hereby state as follows:

1. On July 10, 2020, Plaintiff commenced this action (Dkt. # 1) and filed a motion for a temporary restraining order (TRO) to enjoin Defendants' implementation of ICE's "Broadcast Message: COVID-19 and Fall 2020," issued on July 6, 2020, (Dkt. # 4) (July 6 Broadcast Message);

1 2. On July 14, 2020, Defendants announced the nationwide rescission of: (1) the
2 July 6 Broadcast Message; (2) the July 7, 2020 FAQ relating to the July 6, 2020 Broadcast
3 Message (July 7 FAQ); and (3) implementation of the July 6 Broadcast Message and July 7
4 FAQ;

5 3. On July 17, 2020, the Court entered a stipulation dismissing Plaintiff's TRO
6 motion as moot (Dkt. # 12);

7 4. On September 9, 2020, the parties submitted a Joint Motion to Extend
8 Defendants' Deadline to Answer or Otherwise Respond to the Complaint, in which the State of
9 Washington requested additional time to investigate its claims (Dkt. # 13);

10 5. On September 14, 2020, the Court granted the Joint Motion and directed the State
11 of Washington to file a status report by October 5, 2002 (Dkt. # 14);

12 6. In lieu of a status report, the parties have agreed to this Joint Stipulation and
13 Dismissal Without Prejudice;

14 7. The parties, having conferred, HEREBY STIPULATE AND AGREE as follows:

- 15 a. Defendants agree not to implement or enforce the July 6, 2020 Broadcast
16 Message and/or the July 7, 2020 FAQ;
- 17 b. On the basis of Defendants' representations in this stipulation, the parties
18 agree that Plaintiff's claims for relief in its Complaint (Dkt. # 1) shall be
19 voluntarily dismissed without prejudice pursuant to Rule 41(a)(2) of the
20 Federal Rules of Civil Procedure;
- 21 c. Plaintiff reserves the right to challenge any attempt by Defendants to
22 implement or enforce the July 6, 2020 Broadcast Message and/or the July
23 7, 2020 FAQ;
- 24 d. All parties will bear their own fees and costs; and
- 25 e. This stipulation is contingent upon this Court retaining jurisdiction to
26 adjudicate any purported breach of the stipulation and enforce its terms.

1 DATED this 5th day of October, 2020.

2 ROBERT W. FERGUSON
3 Attorney General

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DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court's CM/ECF System which will send notification to all counsel of record.

DATED this 5th day of October, 2020, at Seattle, Washington.

/s/ Lauryn K. Fraas
LAURYN K. FRAAS
Assistant Attorney General